



ATTORNEY DOCKET NO. 01173.0001U3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Kaufman et al.)

Application No. 09/994,311)

Filed: November 26, 2001)

For: Binary Encoded Sequence Tags)

Art Unit: 1637

Examiner: Horlick, Kenneth R.

Confirmation No. 9570

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

Sir:

Petitioners, Yale University and Agilix Corporation, are joint owners of the entire interest in the above-identified application and in U.S. Patent No. 6,383,754 as evidenced by the assignment recorded a Reel 011173 and Frame 0653, the assignment recorded a Reel 011173 and Frame 0565, the assignment recorded a Reel 011173 and Frame 0557, and the assignment recorded a Reel 012548 and Frame 0639, establishing a chain of title from the inventors to Petitioners for the above-identified application and for U.S. Patent No. 6,383,754. Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer, of U.S. Patent No. 6,383,754. Petitioners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No.

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6,383,754 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,383,754, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned are empowered to act on behalf of Yale University and Agilix Corporation, respectively, as indicated below.

We declare that all statements made herein of our own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such

willful false statements may jeopardize the validity of the application or any patent issuing
thereon.

Yale University

Date: ~~Dorothy K. Robinson~~ 9/16/03

Name: Dorothy K. Robinson

Title: Vice President & General Counsel

Signature: Dorothy K. Robinson

Agilix Corporation

Date: _____

Name: _____

Title: _____

Signature: _____



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willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Yale University

Date: _____

Name: Dorothy K. Robinson

Title: Vice President & General Counsel

Signature: _____

Agilix Corporation

Date: Aug 19, 2003

Name: DARIN LATIMER

Title: VICE PRESIDENT, ENGINEERING

Signature: Dan Latimer